

Applicants: Shi Du Yan, et al.
U.S. Serial No.: 10/577,506
Filed: April 27, 2006
Page 3

REMARKS

Claims 1-18 and 22-24 were pending in the subject application. Applicants have hereinabove amended claims 1 and 3-5 and canceled claims 6-18 and 22-24 without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in the future. Support for the amendment to claim 1 can be found in the specification, *inter alia*, in Example II on pages 28-24. See particularly page 29, lines 7-10. Upon entry of this amendment, claims 1-5, as amended, will be pending and under examination.

Rejection under 35 U.S.C. §102(b)

The Examiner rejected claims 1-18 and 22-24 under 35 U.S.C. §102(b) as being anticipated by Stern et al. (U.S. Patent Application Publication No. US 2002/0122799 A1).

In response, applicants respectfully traverse the Examiner's ground of rejection. Nevertheless, without conceding the correctness of the Examiner's ground of rejection, applicants have amended claim 1 hereinabove and have canceled claims 6-18 and 22-24 without disclaimer or prejudice.

Applicants' invention, as recited in amended claim 1, is directed to a method for slowing the time at which symptoms are manifest in a subject afflicted with multiple sclerosis comprising administering to the subject an amount of a polypeptide comprising soluble receptor for advanced glycation endproducts (sRAGE) effective to delay the time at which symptoms are manifest.

Stern et al. disclose a method for treating inflammation in a subject by administering soluble receptor for advanced glycation endproducts (sRAGE). Stern et al. also disclose that the inflammation may be associated with various diseases or conditions, including, for example,

multiple sclerosis.

In contrast to Stern et al., applicants' claimed invention, as recited in amended claim 1, is directed to a method for slowing the time at which symptoms are manifest in a subject afflicted with multiple sclerosis. This method is different and distinct from the method disclosed in Stern et al. which relates to treating a symptom already manifested, i.e. inflammation. Stern et al. do not disclose a method for slowing the time at which symptoms are manifest in a subject afflicted with multiple sclerosis. Therefore, Stern et al. do not anticipate applicants' claimed invention, as recited in amended claim 1 and the claims dependent therefrom.

Rejection under 35 U.S.C. §112, second paragraph

The Examiner rejected claims 3-5, 10-12 and 16-18 under 35 U.S.C. §112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserted that the metes and bounds of the phrase "or its equivalent" is subjective and therefore indefinite. The Examiner further stated that claim 17 lacks a higher end point for its range.

In response, applicants respectfully traverse the Examiner's ground of rejection. Nevertheless, without conceding the correctness of the Examiner's rejection, applicants note that claims 10-12 and 16-18 have been canceled hereinabove, thereby rendering moot the Examiner's ground of rejection with respect to claims 10-12 and 16-18. Applicants also note that claims 3-5 have been amended herein above and no longer recite "or its equivalent", thereby obviating the Examiner's ground of rejection.

Accordingly, applicants maintain that claims 3-5, as amended, satisfy the requirement of 35 U.S.C. §112, second paragraph and respectfully request

Applicants: Shi Du Yan, et al.
U.S. Serial No.: 10/577,506
Filed: April 27, 2006
Page 5

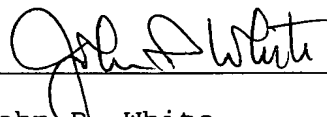
that the Examiner reconsider and withdraw this ground of rejection.

In summary, applicants maintain that claims 1-5 as amended herein are allowable and earnestly solicit a notice of allowance to this effect.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$1,110.00 fee for a three-month extension, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.


Respectfully submitted,



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